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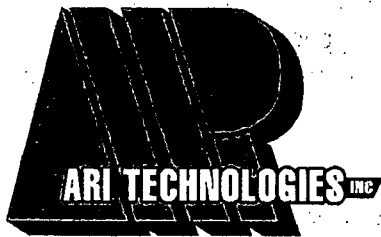
Ms. Carol Campbell
Assistant Regional Administrator
USEPA REGION 8
1595 Wynkoop St.
Mail Code: 8EPR
Denver, CO 80202-1129

Action
Rebecca

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425-391-0437
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November 15, 2010

Ms. Carol Campbell
Assistant Regional Administrator
USEPA REGION 8
1595 Wynkoop St.
Mail Code: 8EPR
Denver, CO 80202-1129

Subject: LIBBY ASBESTOS SUPERFUND SITE ROD, OU'S 1&2

Dear Ms. Campbell:

I read with interest and then shock the above-mentioned Records of Decision. Because the technology developed by my company is prominently mentioned in the RODs and because the information provided is wholly incorrect, it is appropriate to reiterate the inaccurate statements, make appropriate inquiries and for EPA to provide a detailed response to this letter.

The information provided in the RODs that address thermochemical conversion would imply that EPA actually conducted an evaluation of the technology as part of an effort to identify a cleanup alternative that is protective of human health and the environment and to protect citizens of Libby, Montana. However, this is not the case.

In reference to thermochemical conversion, the RODs state as a basis for rejecting further consideration of the technology:

1. The technology has "*higher relative cost*",
2. The technology is "*relatively new*",
3. There is a "*lack of irreversibility data*",
4. "*Because the wastes must be shipped to an off-site treatment facility in another state, treated, and then shipped back to the site for disposal, transportation costs are also disproportionately high*",
5. The process uses "*hydrofluoric acid*" as a reagent for the process.

These statements are utterly and completely false. And EPA has absolutely no basis upon which to make them. Here is why:

- A. EPA cannot know the cost of thermochemical conversion technology because ARI Technologies was never contacted by EPA or the Montana DEQ to find out anything about the technology. In fact, my personal attempts to provide the EPA with technical briefings and cost information were rejected by EPA Region 8 and EPA Region 3.
- B. This technology was awarded a National Operating Permit by EPA Headquarters in 1997. This was thirteen years ago. The technology has been repeatedly demonstrated many times since. Exactly what is the definition of "*relatively new*" and how is it used to protect the citizens of Libby, Montana?
- C. The treated products produced by thermochemical conversion technology are chemically and physically identical to igneous rocks. Any competent geologist knows that materials of this composition do not spontaneously turn into asbestos. Formation of asbestos requires hydrated high temperature, high pressure conditions and a few million years of deep (several kilometers) burial. It is impossible for materials possessing volcanic rock compositions to spontaneously turn into asbestos under atmospheric conditions. The statement regarding irreversibility in the ROD demonstrates a supreme lack of understanding of geochemical processes.
- D. ARI's web site prominently displays the on-site treatment capabilities of this technology. ARI conducted its 90-day permitting treatment requirements using a transportable system on site under the supervision of EPA. I personally made a formal, well-publicized presentation in March 2009 to a group of approximately 250 stakeholders of which 14 individuals just happened to represent EPA including EPA's legal counsel. The subject of this presentation was on-site thermochemical conversion of asbestos waste. The section in the ROD stating that there is a requirement for transport of the waste clearly demonstrates that EPA's level of evaluation of this technology did not include even a causal glance at ARI's web site or any internal communication whatsoever.
- E. ARI's thermochemical conversion process does not use, never has used and never will use hydrofluoric acid in any way. Exactly where did EPA come up with this belief?

After reviewing the above-mentioned RODs, I have no alternative but to draw the conclusion that the information provided on our technology was simply made up by the EPA.

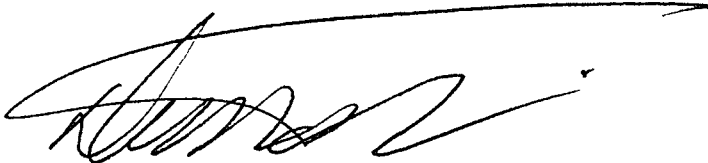
I have read many RI/FS and ROD documents in my career. I have to say that, with respect to the information contained on thermochemical conversion technology, I have never read a document that is more completely false and inaccurate than the above-referenced RODs. I would be very interested in receiving an explanation regarding how millions of tax dollars can be spent on a Record of Decision, the contents of which appear to be the product of creative writing instead of diligent, well thought out technical

evaluations. The utter complete inaccuracy of the information discussed herein calls into serious question all other information contained in the documents and the associated conclusions.

EPA has been tasked by the President to protect human health and the environment and SARA established a preference for treating waste rather than covering it up. The contents of these RODs clearly show that an objective evaluation was not conducted. Rather, what was believed to be the cheapest option was obviously chosen early in the process and the justification for eliminating other options was then invented.

I look forward to your response.

Sincerely,
ARI TECHNOLOGIES, INC.

A handwritten signature in black ink, appearing to read 'Dale M. Timmons', with a long horizontal flourish extending to the right.

Dale M. Timmons, R.G.
Principal

c.c., Richard Oppen, Montana DEQ
Brian D. Schweitzer, Governor, Montana
Max Baucus, U.S. Senator